

Remarks

The telephone interview held February 3, 2006 with Examiner Novosad is gratefully acknowledged. Claims 1 and 22 have been amended herein as discussed with the Examiner to define over the prior art of record. Claims 2, 26 and 27 have been canceled. Examiner Novosad agreed that the amendments to claims 1 and 22 and the cancellation of claims 26 and 27 would put this application into condition for allowance.

Amended Claim 1

Regarding claim 1, it was explained to the Examiner that the recitation of wheels in claim 1 was unduly limiting since rollers, drums, tracks or similar ground engaging members could also be used. Thus, the Examiner agreed that replacing the specific recitation of wheels with a more general recitation of "rotatable ground engaging members" would not affect the allowability of claim 1. Claim 1 has been so amended, Wheels are now not specifically recited until dependent claims 3-5.

However, for simplicity, the term "wheelbase" has been continued in claim 1, but this term is not to be construed as indirectly limiting claim 1 to wheels. The term wheelbase simply refers to a distance, namely the distance w1 between the laterally outermost edges of the ground engaging surfaces of whatever rotatable ground engaging members are used, regardless of whether such members are wheels, rollers, drums, etc. Thus, since the term wheelbase simply means a particular distance and is more understandable and less cumbersome than trying to use a term like "rotatable ground engaging member base", its continued use is believed appropriate with the un-

derstanding that the term wheelbase in claim 1 does not require the ground engaging members recited in claim 1 to be wheels.

In addition, the recitation of wheelbase has been limited to that of a transverse wheelbase, i.e. the side-to-side distance w1, rather than possibly being interpreted to mean a longitudinal wheelbase, i.e. the front-to-back distance between the front and rear axles of the ground engaging members. This has been done to enhance the clarity of claim 1. Clearly, the term transverse wheelbase refers to the transverse wheelbase w1, i.e. the only wheelbase specifically described in the specification.

Moreover, the more specific term "coring head" has been replaced with the more general term "aerating mechanism". Again, the Examiner agreed that broadening claim 1 in this way would not affect the allowability of claim 1.

Claim 1 has been amended to be more specific about the location of the rotatable ground engaging members. Specifically, limitation (d) of claim 1 has been amended to require that:

"...all of the rotatable ground engaging members of the frame are carried on the frame in advance of the tine assemblies taken with respect to a forward direction of motion of the frame..."

In Rizzo, the rear wheels 16 are behind the tines 56 and will crush the cores being left by the two outermost tines 56 on each side of the aerator. Rizzo does not meet the limitation that "all of the ground supporting wheels of the frame are carried on the frame in advance of the tine assemblies taken with respect to a forward direction of motion of the frame".

In World 341, the tines are all received between the side members of chassis 17. Thus, the coring swath is equal

to or slightly less than the width of the chassis as it is unlikely that the outermost tines would be permitted to rub on the side members of the chassis. The outermost tines are positioned at least slightly inwardly of the side members of the chassis.

However, rear wheels 21 are supported on stub shafts (unnumbered but shown in Fig. 4) that extend laterally outwardly beneath the side members of chassis 17. Thus, the transverse wheelbase defined by the wheels 21 necessarily exceeds the coring swath by at least the entire width of each wheel 21 if not substantially more. This cannot meet the limitation that "the transverse wheelbase is substantially equal to or less than the predetermined width of the coring swath."

The Examiner agreed that claim 1 as amended in this fashion defined over Rizzo, World 341 and the other prior art of record and would be allowable.

Amended Claim 22

Claim 22 is not being amended to define over Rizzo or World 341. It already does that. Claim 22 is being amended to clarify that a walk aerator is being claimed and to overcome the Examiner's 112 rejection by noting that the steering control at issue in limitation (b) is one "which is gripped and pivoted by a walking operator". Claim 22 has also been amended to remove some unnecessary language and to clarify the language at the end of the claim.

Claim 22 defines over Rizzo for the reasons noted earlier as claim 22 requires placement of the rotatable members that support the frame "ahead of the coring tines taken with respect to a forward direction of movement of the frame." This is not met by the placement of Rizzo's rear wheels 16.

In addition, limitation (d) is not met by Rizzo since an operator gripping Rizzo's handle will be behind the machine and will walk over the cores.

Claim 22 defines over World 341. As explained earlier, World 341 places the wheels 21 outboard of the coring tines. Thus, World 341 does not disclose ground engaging surfaces on the rotatable members that "do not substantially laterally extend beyond lateral outermost edges of the array of coring tines to avoid having any of the rotatable members roll over any of the soil cores left on the ground." In World 341, the entire ground engaging width of each wheel 31 is outboard of the lateral outermost edges of the tine array.

Need for Corrected Filing Receipt

The Examiner is reminded that an Amendment to Correct Inventorship was previously filed in this application. However, a Corrected Filing Receipt has NOT YET been received by the undersigned attorney. It is respectfully requested that this be checked on and that a Corrected Filing Receipt be issued to ensure that the proper inventors are listed on whatever patent may issue from this application.

Summary

For all the reasons noted above, this case is in condition for allowance. Such allowance and passage to issue is

respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James W. Miller", is written over a horizontal line.

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